

REMARKS/ARGUMENTS

Claims 49-56 are pending in the instant application. Claims 49-56 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,696,040. Claims 49-56 also stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended. Applicant respectfully submits that none of the amendments constitute new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Claims 49-56 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,696,040. Should the Examiner be amenable, Applicant is willing to file a terminal disclaimer in view of the '040 patent to overcome this rejection. Reconsideration is respectfully requested.

Claims 49-56 also stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended claim 49 so as to obviate the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

Appl. No. 10/761,794
Amdt. Dated April 24, 2007
Reply to Office action of October 24, 2006

In view of the foregoing amendments and remarks, Applicant respectfully submits that the instant application, including claims 49-56, is in condition for allowance. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number below.

Respectfully submitted,

/Robert F. Chisholm/
Robert F. Chisholm
Reg. No. 39,939

GE Healthcare, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6905

I:\IP\Response to Office Action\PM\PM0045 CON (04-24-07).doc